

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

CODY MAYNARD §
VS. § CIVIL ACTION NO. 9:22-CV-40
L. SCHNEIDER, OFFICER §

MEMORANDUM OPINION REGARDING VENUE

Plaintiff, Cody Maynard, an inmate currently incarcerated at USP Beaumont, proceeding *pro se*, filed this *Bivens*-type action¹ against Defendant L. Schneider.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1391(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred. Venue is proper in the Eastern District of Texas.

Plaintiff's complaint, however, pertains to incidents that occurred during his confinement at USP Beaumont which is in Beaumont, Texas located in the Beaumont Division of the Eastern District of Texas. A district court has the authority to transfer a case in the interest of justice to

¹ See *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

another district in which the action might have been brought. *See* 28 U.S.C. §§ 1404, 1406. USP Beaumont, which is located in Jefferson County, Texas, lies within the jurisdiction of the Beaumont Division of the Eastern District of Texas. Therefore, in the interest of justice, and for the convenience of the parties and witnesses, all claims against the Defendant should be transferred to the Beaumont Division of the Eastern District of Texas. An appropriate order so providing will be entered by the undersigned.

SIGNED this the 15th day of March, 2022.

A handwritten signature in black ink, appearing to read 'C. L. Stetson', written over a horizontal line.

Christine L Stetson
UNITED STATES MAGISTRATE JUDGE